

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Charles Edwin Shelley,)	C/A NO. 3:11-3477-CMC
)	
)	OPINION and ORDER
)	
Plaintiff,)	
v.)	
)	
Oddie Tribble,)	
)	
Defendant.)	
_____)	

On December 21, 2011, Plaintiff brought suit in this court against various Defendants, alleging constitutional violations under 42 U.S.C. § 1983 and certain state law causes of action.¹ On July 22, 2013, all Defendants except Defendant Oddie Tribble (Tribble) were dismissed either with or without prejudice. *See* Opinion and Order (ECF No. 93).

Defendant Tribble is – and was at the time this lawsuit commenced – an inmate incarcerated in the United States Bureau of Prisons (BOP). Tribble was personally served with the summons and amended complaint on April 17, 2012, and is in default.

On January 7, 2014, this court appointed J. Christopher Mills, Esquire, as guardian ad litem for Defendant Tribble for the limited purpose of determining Tribble’s position regarding his domicile and whether or not he intends to participate in this lawsuit in any manner. *See* Opinion and Order at 2, ECF No. 107.

¹Defendants County of Kershaw, Jim Matthews, Steve McCaskill, Kershaw County Sheriff’s Office, and Certain Unnamed Officers and Employees of Kershaw County were dismissed from this action by Opinion and Order filed July 22, 2013.

On February 12, 2014, Plaintiff filed a motion to amend. ECF No. 110. Plaintiff seeks to clarify the existing complaint.

Attorney Mills has communicated with Defendant Tribble via telephone. Tribble has indicated to Mills that he intends to return to South Carolina upon his release from incarceration, and that he does not intend to participate in any way in this lawsuit.

Accordingly, Plaintiff's motion to amend is **granted**. Plaintiff shall have three (3) business days from the entry of this Order to file the amended complaint. By **Friday, April 25, 2014**, Plaintiff shall serve Defendant Tribble at his place of incarceration. Pursuant to Federal Rule of Civil Procedure 15(a)(3), Defendant Tribble shall have until **Friday, May 9, 2014**, to file an answer or other pleading, if he so chooses, to Plaintiff's amended complaint.

If Defendant Tribble fails to answer or otherwise plead to the amended complaint, a jury trial on damages will be scheduled.

Attorney J. Christopher Mills is hereby relieved from further responsibility as *guardian ad litem* in this matter.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 14, 2014